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PTO/SB/05 (03-01)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | | | |
|--|---------------|-------------|-----|
| Attorney Docket No. | 9341-033-999 | Total Pages | 103 |
| First Named Inventor or Application Identifier | | | |
| Jutta Anna TÜRCK | | | |
| Express Mail Label No. | EV335858061US | | |

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

1. Fee Transmittal Form [Total Pages 4] *(Submit an original, and a duplicate for fee processing)*
2. Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. Specification [Total Pages 37] *(preferred arrangement set forth below, MPEP 1503.01)*
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description of the Invention (including drawings, if filed)
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 USC 113) (Figs. 1-28) [Total Sheets 28]
5. Executed Declaration and Power of Attorney [Total Sheets 4]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Address to:

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper (20 pages)
 - c. Statement verifying identity of above copies (1 page)

PTO
U.S. PTO
16018 10/732859
120903



ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement *(when there is an assignee)* Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations (4 pages)
13. Preliminary Amendment (5 pages)
14. Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. Other:

18. If a CONTINUATING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) | of prior application No.: 09/469,211, filed December 22, 1999.

Prior application information: Examiner: Terry Alan McKELVEY Group Art Unit: 1636

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number

20583

Insert Customer No.

or Correspondence address below

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| NAME | | | |
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Terry Alan McKELVEY
 Art Unit 1636

Commissioner for Patents
 P.O. Box 1450
 Mail Stop PATENT APPLICATION
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/469,211, filed on December 22, 1999.

of Jutta Anna TÜRCK; John Anthony Charles ARCHER

(inventor(s) currently of record in prior application)

for CONTROL OF GENE EXPRESSION IN EUKARYOTES

(title of invention)

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

| TYPE | NO. FILED | LESS | EXTRA | EXTRA RATE | FEE |
|--------------|-----------|------|--|------------------|-----------|
| Total Claims | 19 | - 20 | 0 | \$18.00 each | \$ 0.00 |
| Independent | 2 | - 3 | 0 | \$86.00 each | \$ 0.00 |
| | | | Minimum Fee | | \$ 770.00 |
| | | | Multiple Dependency Fee | | \$ 0.00 |
| | | | If Applicable (\$290.00) | | |
| | | | | Total | \$ 770.00 |
| | | | Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern | | \$ 0.00 |
| | | | | Total Filing Fee | \$ 770.00 |

2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3a. A Preliminary Amendment is enclosed.

3b. A new specification, substantially identical to the pending prior application and containing no new matter, is enclosed.

4a. New formal drawings are enclosed.

4b. Informal drawings are enclosed.

5a. Priority of application no. 9828660.2, filed on December 24, 1998 in the United Kingdom is claimed under 35 U.S.C. §119.

5b. The certified copy has been filed in prior application no. 09/469,211, filed December 22, 1999.

6. The prior application is assigned of record to ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED.

7a. A copy of the Power of Attorney filed in the prior application no. 09/469,211, filed December 22, 1999 is enclosed.

7b. A Power of Attorney is enclosed.

8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. 09/469,211, filed December 22, 1999, be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. 09/469,211, filed December 22, 1999 is enclosed.

9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing is the same as the content of the computer readable form submitted in the present application .

10. DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11. Additional enclosures or instruction: An Information Disclosure Statement and a List of References Cited by Applicant are enclosed herewith.

Respectfully submitted,

Date December 9, 2003


Laura A. Coruzzi

30,742

(Reg. No.)


By: T. Christopher Tsang

40,258

(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711

Enclosures